

ATTACHMENT C

REMARKS

By this amendment, Applicants have amended the claims in a manner which overcomes any outstanding rejections and places this application in condition for allowance. In particular, the claims have been rewritten in a manner as suggested by the Examiner so as to overcome the objections under Section 112, and in addition, changes have been made to the specification which update the status of the prior parent applications. Other minor amendments have been made including the provision of new claims 8 and 9 which are similar in nature to Claims 2 and 3 and are dependent upon independent claim 6. All of these amendments are clearly supported in the original disclosure, and no new matter has been added. In light of these amendments and the attachments submitted herewith, the present application has been placed in condition for immediate allowance for the reasons as set forth below.

In the Official Action, the Examiner required the current status of parent application 09/421,868 to be updated so as to refer to the issued US patent 6,177,084 from this application, and Applicants have now complied with this request in the attached amendment to the first paragraph of the specification, which amends the first paragraph entered into the application by virtue of the Preliminary Amendment filed on October 5, 2000, a copy of which is attached hereto.

In the Official Action, the Examiner rejected Claims 1-7 under 35 U.S.C. § 112, second paragraph, for various reasons relating to the language of the claims. These objections are all traversed for the reasons as set forth herein.

In particular, Claims 1, 6 and 7 were objected to on the basis of the language "raised against", and Applicants have now overcome this rejection by amending the

claims to remove the objected language and substituting therefore the phrase “capable of specifically binding to.” This language adopts the Examiner’s suggestion to refer to the ability of the claimed antibody to specifically bind to the *S. aureus* fibrinogen binding proteins of the invention, and uses the “capable of” language has been deemed appropriate for antibodies as set forth in the attached USPTO Written Description Guidelines (see Chapter 16, Antibodies). The amendments also overcome the objections to Claims 1 and 7 by removing the language deemed objectionable by the Examiner and adopting the Examiner’s suggestions for the rewording of these claims. Similarly, the objections to Claims 4 and 5 have been overcome in that the language deemed objectionable by the Examiner has been removed, and the suggestions of the Examiner have been adopted. Finally, Claim 6 has been amended to remove the term “comprising” which had been objected to by the Examiner. Accordingly, all of the objections on the grounds of indefiniteness under Section 112, second paragraph are respectfully traversed.

In the Official Action, the Examiner objected to Claims 4 and 5 as not enabled on the specification lacked the deposit information for plasmids pCF10 and pCF3. However, Applicants have previously amended the specification to refer to this deposit information, and it is presumed that the Examiner was not made aware of the preliminary amendment filed in this case on October 5, 2000 which added the deposit information where necessary in the specification. In addition, Applicants submit herewith a Statement concerning the biological deposit which sets forth the information as required by the Examiner, and thus the objection to Claims 4 and 5 is respectfully traversed.

Finally, in the Official Action, the Examiner rejected Claims 1-7 under 35 U.S.C. § 102 as being anticipated by the article of McDevitt et al., Molec. Microbiol., January 1994, 11(2):237-248. This rejection, insofar as applied to the claims as amended, is respectfully traversed in that Applicants have removed this reference since it is the work of the named inventors and not the work of another, for reasons as set forth in the Declaration filed in the parent case, Serial No. 08/293,728, now U.S. Pat. No. 6,008,341 (copy attached hereto) wherein the McDevitt article was removed as a reference on this basis. In light of the Declaration which removed this article as a prior art reference in the patented parent case, Applicants submit that this reference is similarly removed as a prior art reference against the present divisional application, and thus the rejection on this basis has become moot and should be withdrawn.

In light of the amendments and arguments as set forth above, as well as the attached copy of the Declaration of Dr. Patti from the parent case, Applicants submit that the present application overcomes all prior rejections and has been placed in condition for allowance. Such action is earnestly solicited.

END OF REMARKS